UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1992/1/Add.2
27 January 1992

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-eighth session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

Addendum

1. This document has been prepared to complete the annotations to the provisional agenda of the Commission on Human Rights at its forty-eighth session. 1/ Its purpose is to bring to the attention of the Commission those decisions and resolutions adopted by the General Assembly at its forty-sixth session, which are considered relevant to the agenda items of this session of the Commission.

2. At its forty-sixth session, the General Assembly adopted the decisions and resolutions relating to human rights listed in the annex to the present document.

3. The following paragraphs complete the annotations to the provisional agenda.

1/ E/CN.4/1990/1/Add.1.

Item 4. Question of the violation of human rights in the occupied Arab territories, including Palestine

4. The attention of the Commission is drawn to the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/46/65, A/46/282, A/46/522), which were considered by the General Assembly at its forty-sixth session. In line with previous years, the General Assembly adopted resolution 46/47 A to G, on 9 December 1991. In resolution A, the General Assembly requested the Special Committee to continue to investigate Israeli policies and practices in the occupied Palestinian territory and other Arab territories occupied by Israel since 1967.

Item 7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living: foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

5. In its resolution 46/121 of 17 December 1991, entitled "Human rights and extreme poverty", the General Assembly requested the Commission to give appropriate consideration, in directing its studies of extreme poverty, to the conditions in which the poorest themselves can convey their experience and so contribute to a better understanding of their situation of social exclusion.

Item 8. Question of the realization of the right to development

6. In its resolution 46/123 of 17 December 1991, entitled "Right to development", the General Assembly requested the Secretary-General to submit to the Commission at its forty-eighth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, taking into account the views expressed on the issue at the forty-seventh session of the Commission as well as any further comments and suggestions that may be submitted on the basis of paragraph 3 of Commission resolution 1990/10 of 23 February 1990, requested the Secretary-General to inform the Commission at its forty-eighth session of the activities of the organizations of the United Nations system on the implementation of the Declaration, called upon the Commission to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration, and endorsed the call of the Commission to the Preparatory Committee for the World Conference on Human Rights to take fully into account the Declaration in examining the relationship between development and the enjoyment of human rights.

Item 9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

7. In line with previous years, the General Assembly adopted, on 16 December 1991, resolution 46/87, entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights", and resolution 46/88, entitled "Universal realization of the right of peoples to self-determination", in which it requested the Commission to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation.

Special Rapporteur on the question of mercenaries

8. In its resolution 46/89 of 16 December 1991, the General Assembly requested the Special Rapporteur of the Commission to report to the General Assembly at its forty-seventh session on the use of mercenaries, especially in view of the additional elements highlighted in his report.

Item 10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

Question of arbitrary detention

9. In its resolution 46/120 of 17 December 1991, entitled "Human rights in the administration of justice", the General Assembly welcomed Commission resolution 1991/42, by which the Commission created a five-member working group to investigate cases of arbitrary detention, and requested the Secretary-General to provide all necessary resources to the working group, taking into account its important and broad mandate.

Sub-item (a) Torture and other cruel, inhuman or degrading treatment or punishment

United Nations Voluntary Fund for Victims of Torture

10. In its resolution 46/110 of 17 December 1991, the General Assembly again called upon all Governments, organizations and individuals to contribute to the Fund, preferably on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants.

Sub-item (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

11. Concerning this agenda item, the General Assembly adopted decision 46/427.

Sub-item (c) Question of enforced or involuntary disappearances

12. In its resolution 46/125 of 17 December 1991, the General Assembly noted with satisfaction that the open-ended working group established by Commission resolution 1991/41 had completed its consideration of the draft declaration on the protection of all persons from enforced or involuntary disappearances, which would be transmitted to the Commission for adoption at its forty-eighth session, requested the Commission to give this question high priority, requested the Working Group to continue to fulfil its mandate in a rigorous and constructive fashion, and called upon the Commission to continue to study this question as a matter of priority and to take any step it might deem necessary to the pursuit of the task of the working group when it considered the report to be submitted by the working group to the Commission at its forty-eighth session.

Item 11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

Sub-item (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

13. In its resolution 46/117 of 17 December 1991, entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", the General Assembly reiterated its request that the Commission should continue its current work on overall analysis with a view to further promoting and strengthening human rights and fundamental freedoms, including the question of the programme and working methods of the Commission, and in resolution 46/137 of 17 December 1991, entitled "Enhancing the effectiveness of the principle of periodic and genuine elections", the Assembly believed that the international community should continue to give serious consideration to ways in which the United Nations could respond to the requests of Member States as they sought to promote and strengthen their electoral institutions and procedures.

14. In its resolution 46/130 of 17 December 1991, entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes", the General Assembly reiterated that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples had the right, freely and without external interference, to determine their political status and to pursue their economic, social and cultural development, and called upon the Commission, at its forty-eighth session, to give priority to the review of the fundamental factors that negatively affected the observance of the principle of national sovereignty and non-interference in the internal affairs of States in their electoral processes.

15. In its resolution 46/129 of 17 December 1991, entitled "Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity", the General Assembly underlined the continuing need for impartial and objective information on the political, economic and social situations and events of all countries, and requested the Commission, at its forty-eighth session, to continue to examine ways and means to strengthen United Nations actions in this regard, on the basis of that resolution and of Commission resolution 1991/79.

16. In its resolution 46/128 of 17 December 1991, entitled "International Year for the World's Indigenous People", the General Assembly adopted a programme of activities for the International Year for the World's Indigenous People and requested the Commission to convene a meeting of participating parties to the programmes and projects of the International Year to assess after the International Year what conclusions could be drawn from the activities.

17. In its resolution 46/118 of 17 December 1991, entitled "Strengthening of the Centre for Human Rights", the General Assembly, noting that the Centre for Human Rights had been requested by the Commission and the Economic and Social Council to carry out additional mandates after the preparation of the proposed programme budget for the biennium 1991-1993, requested the Secretary-General to ensure that sufficient resources were accorded to the Centre to enable it to carry out, in full and on time, all the mandates, including the additional ones, on the basis of the decisions of intergovernmental and expert bodies, and also requested the Secretary-General to submit an interim report to the Commission at its forty-eighth session on the developments relating to the activities of the Centre and on the measures taken to implement that resolution.

Sub-item (b) National institutions for the protection and promotion of human rights

18. In its resolution 46/124 of December 1991, the General Assembly welcomed the convening of a workshop on this subject by the Centre for Human Rights in Paris in October 1991, as had been requested in Comission on Human Rights resolution 1990/73, and requested the Secretary-General to forward the results of that meeting to the Commission.

Item 12. Question of the violations of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

Situation of human rights in various countries

(d) Situation of human rights in Iraq

19. In its resolution 46/134 of 17 December 1991, the General Assembly expressed its deep concern about the numerous and detailed allegations of

grave human rights violations by the Government of Iraq to which the Special Rapporteur had referred in his report, urged the Government of Iraq to accord its full cooperation to the Special Rapporteur of the Commission during his forthcoming visit to Iraq to investigate the allegations of violations of human rights, and decided to continue the examination of the situation of human rights in Iraq during its forty-seventh session, in the light of additional elements provided by the Commission and the Economic and Social Council.

(e) Situation of human rights in El Salvador

20. In its resolution 46/133 of 17 December 1991, the General Assembly commended the Special Representative of the Commission for his provisional report on the situation of human rights in El Salvador, endorsed the recommendations contained therein, and decided to keep under consideration, during its forty-seventh session, the situation of human rights and fundamental freedoms in El Salvador, in conformity with the course of events in the country.

(g) Situation in Afghanistan

21. In its resolution 45/136 of 17 December 1991, the General Assembly decided to keep under consideration the situation of human rights in Afghanistan at its forty-seventh session, in the light of additional elements provided by the Commission and the Economic and Social Council.

(i) Situation in Myanmar

22. In its resolution 46/132 of 17 December 1991, the General Assembly took note of the assurances of the Government of Myanmar to take firm steps towards the establishment of a democratic State, expressed its concern at the information on the grave human rights situation, stressed the need for an early improvement of that situation, and decided to continue its consideration of the question at its forty-seventh session.

Human rights and mass exoduses

23. In its resolution 46/127 of 17 December 1991, the General Assembly invited the Commission to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons.

Sub-item (b) Situation of human rights in occupied Kuwait

24. In its resolution 46/135 of 17 December 1991, the General Assembly took note with satisfaction of Commission resolution 1991/67 of 6 March 1991, expressed its appreciation to the Special Rapporteur on the situation of human

rights in Kuwait under Iraqi occupation for his preliminary report, and expressed its deep concern for Kuwaiti and third-country national detainees and missing persons in Iraq.

Item 13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

25. In its resolution 46/114 of 17 December 1991, the General Assembly, recalling its resolution 45/158 of December 1990, in which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expressed the hope that it would come into force at an early date.

Item 14. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

26. The General Assembly adopted resolution 46/85 of 16 December 1991 on this subject. In this resolution, the Assembly requested the Secretary-General to implement immediately those activities scheduled for the period 1985-1989 not yet carried out and to proceed with the implementation of the activities scheduled for the biennium 1990-1991, and to publish the study of the Special Rapporteur and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the results achieved and obstacles encountered during the First Decade for Action to Combat Racism and Racial Discrimination and the first half of the Second Decade. It further requested the Secretary-General to continue to accord the highest priority in executing the plan of activities to measures for combating apartheid, and to continue to accord special attention to the situation of migrant workers and their families.

Item 15. Status of the International Covenants on Human Rights

27. The General Assembly adopted resolutions 46/81 of 16 December 1991, entitled "Declaration on the twenty-fifth anniversary of the adoption of the International Covenants on Human Rights", and 46/113 of 17 December 1991, entitled "International Covenants on human rights".

Item 16. Effective functioning of bodies established pursuant to United Nations human rights instruments

28. In resolution 46/111 of 17 December 1991, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", the General Assembly requested the Secretary-General, as a matter of priority, to consider administrative and budgetary measures to alleviate the current financial difficulties of the treaty bodies and thus guarantee their regular functioning and to report on these measures to the Commission on Human Rights

at its forty-eighth session and to the General Assembly at its forty-seventh session, welcomed the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on the importance of technical assistance and advisory services and, further to this end endorsed, inter alia, the request of the Commission that the Secretary-General report regularly to it on possible technical assistance projects identified by the treaty bodies.

29. In its decision 46/428 entitled "Consideration of the request for revision of article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination", the General Assembly requested the States parties to the Convention to consider the proposed amendment at their next meeting in January 1992.

30. In its resolution 46/83 of 16 December 1991, entitled "Report of the Committee on the Elimination of Racial Discrimination", the General Assembly expressed its profound concern at the fact that a number of States parties to the Convention had still not fulfilled their financial obligations, strongly appealed to all States parties to fulfil them and called upon the States parties, as a matter of priority, to consider all possibilities of establishing a more secure basis for the future financing of all the costs of the Committee.

Item 17. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-third session

31. In its resolution 46/122 of 17 December 1991, entitled "United Nations Voluntary Trust Fund on Contemporary Forms of Slavery", the General Assembly decided to establish a voluntary trust named the "United Nations Trust Fund on Contemporary Forms of Slavery" in accordance with criteria set forth in the resolution and appealed to all Governments to respond favourably to requests for contributions to the Fund.

Item 18. Rights of persons belonging to national, ethnic, religious and linguistic minorities

32. In its resolution 46/115 of 17 December 1991, entitled "Non-discrimination and protection of minorities", the General Assembly encouraged the Commission to complete the final text of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities as soon as possible, and requested the Secretary-General to inform the General Assembly at its forty-seventh session of the work done by the Commission with regard to the draft declarataion.

Item 19. Advisory services in the field of human rights

33. In its resolution 46/138 of 17 December 1991, entitled "Human rights in Haiti", the General Assembly requested the Commission at its forty-eighth session to consider the report of the independent Expert, and invited the

independent expert to submit an updated report to the Commission in the light of the events of 29 September 1991 and subsequent developments.

Item 20. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

34. In resolution 46/131 of 17 December 1991, entitled "Elimination of all forms of religious intolerance", the General Assembly requested the Commission to continue its consideration of measures to implement the Declaration.

Item 22. Rights of the Child, including:

Sub-item (a) Status of the Convention on the Rights of the Child

35. In its resolution 46/112 of 17 December 1991, the General Assembly expressed its satisfaction at the number of States that had signed, ratified or acceded to the Convention since 26 January 1990, and called upon all States that had not done so to sign, ratify or accede to the Convention as a matter of priority.

Item 24. World Conference on Human Rights

36. In its resolution 46/116 of 16 December 1991, the General Assembly decided, inter alia, to encourage the Chairman of the Commission on Human Rights, the chairpersons or other designated members of human rights bodies, including the chairpersons of bodies established under international human rights instruments or their designated representatives, as well as special and thematic rapporteurs and the chairpersons or designated members of working groups, to contribute by taking part as appropriate as observers in the work of the Preparatory Committee and the World Conference.

ANNEX

GENERAL ASSEMBLY

Forty-sixth Session

List of resolutions and decisions relating to human rights

Resolutions		Relevant agenda items of the forty-seventh session of the Commission on Human Rights
46/47	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories	4
46/81	Declaration on the occasion of the twenty-fifth anniversary of the adoption of the International Covenants on Human Rights	15
46/83	Report of the Committee on the Elimination of Racial Discrimination	16
46/84	Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid	
46/85	Second Decade to Combat Racism and Racial Discrimination	14
46/86	Elimination of Racism and Racial Discrimination	14
46/87	Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights	9
46/88	Universal realization of the right of peoples to self-determination	9
46/89	Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination	9
46/110	United Nations Voluntary Fund for Victims of Torture	10

46/111	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights	16
46/112	Implementation of the Convention on the Rights of the Child	22
46/113	International Covenants on Human Rights	15
46/114	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	13
46/115	Non-discrimination and protection of minorities	18
46/116	World Conference on Human Rights	24
46/117	Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms	11 (a)
46/118	Strengthening of the Centre of Human Rights	11 (a)
46/119	The protection of persons with mental illness and the improvement of mental health care	
46/120	Human rights in the administration of justice	10
46/121	Human rights and extreme poverty	7
46/122	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery	17
46/123	Right to development	8
46/124	National institutions for the protection and promotion of human rights	11 (b)
46/125	Question of enforced or involuntary disappearances	10 (c)
46/126	Human rights and scientific and technological progress	
46/127	Human rights and mass exoduses	12
46/128	International Year for the World's Indigenous Peoples	11 (a)

46/129	Strengthening of United Nations action in the human rights field through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity	11 (a)
46/130	Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes	11 (a)
46/131	Elimination of all forms of religious intolerance	20
46/132	Situation in Myanmar	12
46/133	Situation of human rights and fundamental freedoms in El Salvador	12
46/134	Situation of human rights in Iraq	12
46/135	Situation of human rights in Kuwait under Iraqi occupation	12 (b)
46/136	Situation of human rights in Afghanistan	12
46/137	Enhancing the effectiveness of the principle of periodic and genuine elections	11 (a)
46/138	Human Rights in Haiti	19
46/140	Rationalization of the work of the Third Committee including the biennial programme of work of the Committee for 1992-1993	

Decisions

46/427	Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10 (b)
46/428	Consideration of the request for revision of article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination	16
46/429	Reports considered under the item entitled "Human rights questions"	